

U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

2012 APR 18 PM 1:18

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTATE OF TIMOTHY LEE KRAMER
(Deceased); ARNOLD MARTIN
KRAMER, as Personal Representative
for the Estate of Timothy Lee Kramer;
THE STATE OF NEBRASKA; and the
Unknown Heirs, Executors, Administrators,
Devises, Trustees, Legatees, Creditors,
and Assignees of such of the Defendants
as may be deceased; the Unknown Spouses
of the Defendants; the Unknown
Stockholders, Officers, Successors,
Trustees, Creditors and Assignees of
such Defendants as are existing, dissolved
or dormant corporations; the Unknown
Executors, Administrators, Devises,
Trustees, Creditors, Successors and
Assignees of such Defendants as are or
were partners or in partnership; and the
Unknown Guardians, Conservators and
Trustees of such of the Defendants as are
minors or are in any way under legal
disability; and the Unknown Heirs,
Executors, Administrators, Devises,
Legatees, Trustees, Creditors and
Assignees of any Person alleged to be
deceased and made Defendants as such,

Defendants.

CASE NO. 8:11CV00291

JUDGMENT AND DECREE
OF FORECLOSURE AND
ORDER OF SALE

Now on this 18th day of April, 2012, this cause came on for

determination upon the Complaint filed herein by the Plaintiff, United States of America.

The Plaintiff appears by and through its attorneys, Deborah R. Gilg, United States Attorney for the District of Nebraska, and Robert L. Homan, Assistant United States Attorney for said District. The Defendants, Estate of Timothy Lee Kramer (Deceased); Arnold Martin Kramer, as Personal Representative for the Estate of Timothy Lee Kramer; and the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Legatees, Creditors, and Assignees of such of the Defendants as may be deceased; the Unknown Spouses of the Defendants; the Unknown Stockholders, Officers, Successors, Trustees, Creditors and Assignees of such Defendants as are existing, dissolved or dormant corporations; the Unknown Executors, Administrators, Devisees, Trustees, Creditors, Successors and Assignees of such Defendants as are or were partners or in partnership; and the Unknown Guardians, Conservators and Trustees of such of the Defendants as are minors or are in any way under legal disability; and the Unknown Heirs, Executors, Administrators, Devisees, Legatees, Trustees, Creditors and Assignees of any Person alleged to be deceased and made Defendants as such, failed to answer or otherwise appear or plead to the allegations contained in the Complaint and said Defendants are in default in this action.

The Defendant State of Nebraska has disclaimed any interest in the property (filing 3) which is the subject of this action.

THEREFORE, the Court, having examined the record of these proceedings, and having been fully advised in the premises, finds:

That the Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, § 1345;

That due and legal notice of the pendency of this action has been given;

And that the Court has acquired jurisdiction of all the parties.

AND this cause coming on further to be heard on the pleadings and the evidence and being submitted to the Court, on due consideration, the Court finds:

That each and all of the allegations of Plaintiff's Complaint are true;

That Plaintiff is entitled to a Decree of Foreclosure in rem and Order of Sale as prayed;

That the premises herein described will sell to the best advantage in one entire tract.

That there is due and owing by Defendants, to the Plaintiff as of February 24, 2012, the principal sum of \$25,159.52 in principal, plus accrued interest in the amount of \$3,321.78, together with interest accruing at the rate of 6.87500 per day from February 24, 2012, until the date of entry of this decree, and \$9.42 in late charges. Interest will accrue on said sums from and after the date of entry of this decree at the legal rate of 0.18% computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Lincoln County, Nebraska, to-wit:

The West 40 feet of Lots 5 and 6, Block 13, Original Town of Wallace, Lincoln County, Nebraska.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

That judgment in rem should be and hereby is entered against the Defendants and the real estate which is the subject of this action.

That the above and foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;

That, if the costs as indicated below and the several amounts above found due and interest thereon be not paid within twenty (20) days herefrom, all equity of redemption in said premises be foreclosed and said premises sold as upon execution in one entire tract;

That the Plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;

That the United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;

That, as upon execution, said United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;

That, upon confirmation of said sale, said Clerk shall apply the proceeds as follows:

First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;


Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law;

That said Clerk shall retain in the Registry of the Court any surplus from said sale until further order of the Court.

That the aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska.

And that, upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of said real estate to such purchaser(s).

BY THE COURT:



RICHARD G. KOPF
UNITED STATES DISTRICT JUDGE